

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAWN MOTYKA and JULIE MOTYKA,
individually; and SHAWN MOTYKA, next friend
of minor KM,

Case No. 14-10559

Honorable John Corbett O'Meara

Plaintiffs,

v.

HOWELL PUBLIC SCHOOL DISTRICT,

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiffs recently filed an eight-count complaint in this court alleging the following causes of action: Count I, violations of the Fourteenth Amendment to the United States Constitution; Count II, violations of the Michigan Constitution; Count III, violations of the Americans with Disabilities Act; Count IV, violations of the Individuals with Disabilities in Education Act; Count V, violations of the Rehabilitation Act; Count VI, negligence; Count VII, false imprisonment; Count VIII, intentional infliction of emotional distress.

Although Plaintiffs' causes of action arising under federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations of the complaint are based solely on state law. Since the parties to this action are not diverse, this court declines to exercise supplemental jurisdiction over Plaintiffs' state law claims in order to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); and Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, it is hereby **ORDERED** that Counts II, VI, VII, and VIII are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: March 4, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, March 4, 2014, using the ECF system.

s/William Barkholz
Case Manager